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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,176	01/26/2004	Shinji Haba	118471	6698

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EXAMINER

SEVER, ANDREW T

ART UNIT PAPER NUMBER

2851

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,176

Applicant(s)

HABA, SHINJI

Examiner

Andrew T. Sever

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Alessio et al. (US 6,827,453.)

D'Alessio teaches in figure 1 a projector, comprising:

A lamp (22);

An optical modulator (image process or 18) that modulates light from the lamp;

A projection lens (26) that projects the modulated light;

A lens cap (part that has lens cap position sensor 36 on it) that protects the projection lens;

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A detector (36) that detects the lens cap on the projection lens; and

A projected display controller that controls the optical modulator so as to block or reduce the light from the lamp if the lens cap is found to be detected based on a signal from the detector (see column 2 lines 27-46 in the embodiment where the processor reduces illumination by overriding the current display.)

With regards to applicant's claim 2:

See above and column 2 lines 47-63.

With regards to applicant's claim 3:

The dark image in the case of the light source being turned off would inherently be black, while when the image processor reduces illumination it would at least have a version that is black or gray.

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Alessio as applied to claims 1-3 above, and further in view of Bigler et al. (US 6,570,621).

D'Alessio, as described in more detail above teaches a projector that among other things has a lens cap and a detector that detects the lens cap on the projection lens. However, D'Alessio's detector is not specifically taught to be a micro-switch. Bigler teaches the use of a mechanical (which would meet the claimed micro-switch limitation as what a micro-switch is, is not well defined) in column 4 lines 30-55 for detecting the presence of a lens cap in order to prevent damage to a zoom lens. Since it is well known, as taught by Bigler, to employ a mechanical (micro-switch) instead of other well known switches (they are equivalents) for detecting lens caps it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a micro-switch in the projector of D'Alessio. See *In re Scott*, 323 F. 2d 1016, 139 USPQ 297 (CCPA 1963).

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Alessio as applied to claims 1-3 above, and further in view of Takezawa et al. (US 6,481,850.)

As described in more detail above D'Alessio teaches a projector, which among other things includes an optical modulator, however D'Alessio does not teach the details of that modulator. Takezawa teaches in figure 2 an optical modulator (300B) that includes an incidence and output polarizer (302Bi and 302Bo respectively), in between is disposed a liquid crystal panel (301B). Takezawa teaches in column 2 lines 40-64 that this particular modulator has improved functionality, especially with regards to heat control. By keeping the LCD cooler, as is well known in the art, the LCD functions better and produces better images. Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the modulator of Takezawa for the optical modulator of D'Alessio.

8. Applicant cannot rely upon the foreign priority papers to overcome these rejections (those based on 35 USC 103a) because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER